

## REMARKS

### A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the Declaration of Mr. Satoshi Okano and the following remarks.

### B. The Invention

The present invention is directed to a concentrated bleach-fixer composition for a silver halide color photographic material that prevents deteriorated photographic quality such as deteriorated background whiteness and stain caused by aging.

In one of the novel aspects of the invention, the bleach-fixer composition is composed of an aminopolycarboxylic acid iron complex having an Fe(II) ratio of not less than 50 mol% and either a phosphate salt, a polyphosphate salt, an imidazole compound or a diaminotriazine compound.

C. Claim Status and Amendments

Claims 1, 2 and 5-9 are presented for further prosecution, claims 3, 4 and 10-12 having been withdrawn from consideration.

No claim amendments have been made at this time.

D. The Office Action

Claims 1, 2 and 5-9 had been rejected as being unpatentable over Kuykendall (US 6,534,253) in view of Kamada (US 5,534,395). Vincent (US 6,582,893) had been cited as being cumulative to Kuykendall.

Kuykendall had been cited to teach a bleach-fixing composition composed of an aminopolycarboxylic acid iron complex having an Fe(II) ratio of not less than 50 mol% and a thiosulfate. Kamada had been cited to teach an imidazole bleach-fixing additive. The Examiner had taken the position that it would be obvious to add the imidazole compound of Kamada to the bleach-fixing composition of Kuykendall.

1. The claimed invention produces synergistic results compared to the teachings of Kuykendall and Kamada

Applicants have enclosed a Declaration of Mr. Okano to demonstrate the synergistic results of the present invention. Applicants note that the Declaration is presently unexecuted, however, it is respectfully requested that the Declaration be

fully considered since the information contained therein originated with Mr. Okano and is therefore entirely reliable. An executed copy of the Declaration will be forwarded to the Examiner as soon as it is available.

Mr. Okano prepared bleach-fixer solutions 101-120 based on the bleach-fixer composition in Table V at col. 16 of Kuykendall. The oxidation times were varied to adjust the Fe(II) ratios to the values shown in Table 10 of the Declaration. Imidazole compounds were added in the amounts shown in Table 10 to produce bleach-fixer solutions 101-120.

Bleach-fixer solutions 101-120 were stored in container (b) described at page 64 of the Application and evaluated after storage for background whiteness and stain in accordance with Example 1 of the Application. The results of the evaluations are illustrated in Table 10 of the Declaration.

Table 10 demonstrates the synergistic results of the present invention, namely, that an addition of the imidazole compound of Kamada to the bleach-fixer composition of Kuykendall provides an unexpectedly superior bleach-fixer composition.

As a baseline, Table 10 shows Comparative solutions 119 and 120 which do not contain an imidazole compound and exhibit variations in whiteness and stain of about 0.1. Comparative solutions 119 and 120 are representative of the teachings of

Kuykendall, since Comparative solutions 119 and 120 do not contain an imidazole compound.

Comparative solutions 101, 102, 107, 108, 113 and 114 contain an imidazole compound but do not satisfy the claimed Fe(II) ratio. Table 10 shows that the imidazole compounds reduced whiteness and stain by about 10% for Comparative solutions 101, 102, 107, 108, 113 and 114 compared to Comparative solutions 119 and 120. Thus, Mr. Okano has demonstrated that one of skill in the art would expect about a 10% improvement in whiteness and stain due to the presence of the imidazole compounds.

In contrast to the 10% improvement described above, the present invention achieves a synergistic 60-90% improvement by adding an imidazole compound and satisfying the claimed Fe(II) ratio. This synergistic improvement can be seen by comparing Inventive solutions 103-106, 108-112 and 114-118 with Comparative solutions 119 and 120.

Thus, Applicants submit that Mr. Okano has demonstrated that one of skill in the art would expect about a 10% improvement in whiteness and stain by adding an imidazole compound to a bleach-fixer solution. In contrast to this 10% improvement, Applicants submit that Mr. Okano has demonstrated that the synergistic combination of the present invention achieves a 60-90% improvement, the 60-90% improvement being much

greater than the 10% improvement expected by one of skill in the art.

It is therefore respectfully submitted that the present invention is not obvious over the combination of Kuykendall and Kamada, since Mr. Okano has demonstrated that one of skill in the art would expect about a 10% improvement by adding an imidazole compound to a bleach-fixer composition, yet the present invention achieves a synergistic improvement of about 60-90%. It is respectfully submitted that the synergistic improvement of the present invention is not obvious to one of skill in the art.

E. Information Disclosure Statement of January 18, 2005

At page 2 of the Office Action, the Examiner had stated that only the English language documents had been considered in the IDS filed January 18, 2005.

Applicants have enclosed an English Abstract of DE 100 13 614. Reconsideration of the IDS is respectfully requested.

F. Conclusion

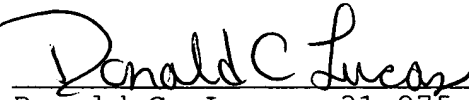
In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain

this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:



Donald C. Lucas, 31,275

Attorney for Applicant(s)

475 Park Avenue South, 15<sup>th</sup> Floor

New York, NY 10016

Tel. # 212-661-8000

Encl: Unexecuted Declaration of Mr. Satoshi Okano  
English Abstract of DE 100 13 614  
Return receipt postcard